

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

March 21, 2005

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Raye, Associate Justice; Morrison, Associate Justice; and Guzman, Bailiff.

C044075 THE PEOPLE v. DUTRA

Cause called. Cynthia A. Thomas, court appointed counsel, argued for appellant and submitted additional citations. Catherine G. Tennant, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:48 a.m., the court recessed. At 9:51 a.m., the court reconvened with Blease, Associate Justice; Raye, Associate Justice; and Hull, Associate Justice.

**C046046 ASSOCIATION OF CALIFORNIA STATE ATTORNEYS AND
ADMINISTRATIVE LAW JUDGES v. CALIFORNIA DEPARTMENT OF
EDUCATION et al.**

Cause called. Steven B. Bassoff argued for appellant. Gregory Rousseve argued for respondents, Department of Education. Charity Kenyon argued for respondents, University of the Pacific. Cause submitted.

At 10:14 a.m., the court recessed. At 10:19 a.m., the court reconvened with Blease, Associate Justice; Hull, Associate Justice; and Butz, Associate Justice.

C044914 BARDIS et al. v. OATES

Cause called. Brendan J. Begley argued for appellant. Port J. Parker argued for respondents. Cause submitted.

At 10:51 a.m., the court recessed. At 2:01 p.m., the court reconvened with Davis, Associate Justice; Raye, Associate Justice; and Butz, Associate Justice.

C042839 THE PEOPLE v. NEIDINGER

Cause called. Victor S. Haltom argued for appellant. David Andrew Eldridge, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:28 p.m., the court recessed until 9:30 a.m., Tuesday, March 22, 2005.

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The Minutes

March 21, 2005, continued

C042668 JOHNSON et al. v. SIERRA TERRA, INC., et al.

C043128 JOHNSON et al. v. SIERRA TERRA, INC., et al.

(Not for Publication)

The judgment is affirmed. The order taxing costs is reversed with directions to the trial court to reconsider and enter a new order consistent with this opinion. Johnson shall pay Sierra's costs of the appeal and the consolidated cross-appeal. (Cal. Rules of Court, rule 27(a).)

MORRISON, J.

We Concur: Sims, Acting P.J.

Raye, J.

C046823 WILKES et al. v. WILKES

(Not for Publication)

The protective order issued against Craig on April 6, 2004, is dissolved. Each party shall bear their own costs on appeal. (Cal. Rules of Court, rule 27(a)(4).)

CANTIL-SAKAUYE, J.

We Concur: Sims, Acting P.J.

Butz, J.

C045832 In re JESSIE J.; THE PEOPLE v. JESSIE J.

(Not for Publication)

The judgment is affirmed.

BUTZ, J.

We Concur: Davis, Acting P.J.

Robie, J.

C046751 THE PEOPLE v. MARTINEZ

BY THE COURT:

Appellant's petition for rehearing is denied.

ROBIE, J.

March 22, 2005

At 9:32 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Sims, Associate Justice; Nicholson, Associate Justice; Morrison, Associate Justice and Guzman, bailiff.

C045898 WALTRIP, et al v. KIMBERLIN, et al.

Cause called. Noreen E. McDermott argued for appellants. Dylan B. Carp argued for respondents. Cause submitted.

At 9:45 a.m., the court recessed until 9:30 a.m., Friday, March 25, 2005.

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The Minutes

March 22, 2005, continued

- C043901 THE PEOPLE v. KENDRICK (Not for Publication)**
The judgment is affirmed.
DAVIS, J.
We Concur: Scotland, P.J.
Blease, J.
- C043907 THE PEOPLE v. SMITS (Not for Publication)**
The judgment is affirmed.
SIMS, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.
- C045860 THE PEOPLE v. WHEELER (CERTIFIED FOR PUBLICATION)**
The judgment is affirmed. (CERTIFIED FOR PUBLICATION)
NICHOLSON, J.
We Concur: Scotland, P.J.
Davis, J.
- C046233 THE PEOPLE v. GOODY (Not for Publication)**
The order declaring the truck forfeited is vacated... The judgment is affirmed in all other respects.
CANTIL-SAKAUYE, J.
We Concur: Scotland, P.J.
Sims, J.
- C046449 THE PEOPLE v. STORY (Not for Publication)**
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Scotland, P.J.
Davis, J.
- C046990 THE PEOPLE v. REEDER (Not for Publication)**
The judgment is affirmed.
SIMS, Acting P.J.
I concur: Hull, J.
I concur. I write separately only to point out that in support of her contention that Richmond's abusive nature should be deemed a mitigating factor...
ROBIE, J.

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The Minutes

March 22, 2005, continued

- C047097 THE PEOPLE v. BASDEN (Not for Publication)**
The judgment is reversed and the matter is remanded to the trial court for further proceedings consistent with this opinion.
SIMS, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.
- C044989 SIERRA CLUB v. THE WEST SIDE IRRIGATION DISTRICT et al. and CITY OF TRACY**
C045015 SIERRA CLUB v. BANTA-CARBONA IRRIGATION DISTRICT et al. and CITY OF TRACY (Not for Publication)
The judgment is affirmed. Costs on appeal are awarded to the Districts and the City. (Cal. Rules of Court, rule 27(a).)
NICHOLSON, J.
We Concur: Davis, Acting P.J.
Robie, J.
- C045175 CUMMINGS v. FUTURE NISSAN (Not for Publication)**
The judgment is affirmed.
DAVIS, J.
We Concur: Blease, Acting P.J.
Nicholson, J.
- C046212 ENTERCOM COMMUNICATIONS CORPORATION v. ROYCE INTERNATIONAL BROADCASTING CORPORATION (Not for Publication)**
The September 8, 2003, order, denying the defense motion to tax costs, is affirmed. Plaintiff shall recover costs on appeal. (Cal. Rules of Court, rule 27.)
SIMS, J.
We Concur: Scotland, P.J.
Davis, J.
- C046160 In re JOHN F.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. JULIE G. et al. and JAMES T. et al. (Not for Publication)**
The orders are affirmed.
NICHOLSON, J.
We Concur: Scotland, P.J.
Raye, J.

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Davis, J.

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The Minutes

March 23, 2005, continued

- C047086 THE PEOPLE v. LOVELESS (Not for Publication)**
The judgment is affirmed.
DAVIS, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.
- C047411 THE PEOPLE v. SARGENT (Not for Publication)**
The order denying defendant's application for a full hearing is affirmed.
BLEASE, Acting P.J.
We Concur: Nicholson, J.
Cantil-Sakauye, J.
- C046126 SCHIEVELBEIN v. STATE PERSONNEL BOARD and DEPARTMENT OF
TRANSPORTATION (Not for Publication)**
The judgment is affirmed.
DAVIS, J.
We Concur: Scotland, P.J.
Hull, J.
- C046936 BROOKSIDE WEST OWNERS' ASSOCIATION v. MARTIN et al. (Not for Publication)**
The judgment is affirmed. Costs on appeal are awarded to defendants.
(Cal. Rules of Court, rule 27(a).)
NICHOLSON, Acting P.J.
We Concur: Raye, J.
Morrison, J.
- C046996 BACH v. IELATI et al. (Not for Publication)**
The judgment is affirmed. Costs on appeal are awarded to defendants.
(Cal. Rules of Court, rule 27(a).)
NICHOLSON, Acting P.J.
We Concur: Raye, J.
Morrison, J.
- C047378 In re T.C.; EL DORADO COUNTY DEPARTMENT OF SOCIAL SERVICES v.
THOMAS C. et al. (Not for Publication)**
The order terminating the parental rights of appellants is affirmed.
DAVIS, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.

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We Concur: Morrison, J.
Butz, J.

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At 11:49 a.m., the court recessed. At 2:00 p.m., the court reconvened with Scotland, Presiding Justice; Sims, Associate Justice; and Raye, Associate Justice.

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March 25, 2005, continued

Cause called. Robert H. Tyler argued for Alliance Defense Fund and Pungo, petitioners, and submitted additional citations. Rena M. Lindevaldsen argued for Liberty Counsel, petitioners. Kathleen A. Lynch, Deputy Attorney General, argued for Schwarzenegger et al., real parties in interest. David C. Codell argued ACLU Foundation, Lesbian & Gay Rights Project, real parties in interest. Cause submitted.

Butz, J.